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November 10, 2023

BY ECF

Honorable Mary Kay Vyskocil
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Robert Wise*, S1 23 Cr. 73

Dear Judge Vyskocil:

Consistent with Your Honor's Individual Rule of Practice in Criminal Cases 1(C), we submit this joint letter in connection with Mr. Wise's sentencing, scheduled for December 4. Mr. Wise's sentencing submission is due on Monday, November 20, and the Government's submission is due on Monday, November 27.

We write in advance of sentencing to advise the Court that the parties have entered into a rider to Mr. Wise's plea agreement ("Rider"), which will be emailed to Chambers. The Rider reflects the parties' agreement that an amendment to the U.S. Sentencing Guidelines, effective November 1, applies to Mr. Wise and reduces his Guidelines calculation. Specifically, the parties agree that Mr. Wise receives the two-level downward "Adjustment for Certain Zero-Point Offenders," pursuant to U.S.S.G. §4C1.1, which applies to defendants with no criminal history points and who are not being convicted of certain types of crimes (*e.g.*, offenses involving violence, sex, firearms, terrorism, etc.).

We respectfully submit this letter and the Rider at this time so that the Court has it sufficiently in advance of sentencing, and also for consideration by the U.S. Probation Office, in the event this warrants an update to the Presentence Investigation Report.

Thank you for your consideration.

Respectfully submitted,

/s/Jillian B. Berman

Jillian B. Berman

cc: Jessica Greenwood and Sebastian Swett, Assistant United States Attorneys (by ECF and email with attachment)

Stephanie McMahon, United States Probation Office Specialist (by email with attachment)